AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICITON

NOTICE OF MOTION NO.2379 OF 2005
IN
INCOME TAX APPEAL (L) NO.1003 OF 2005

The Commissioner of Income Tax .. Applicant.
Versus
M/s.Naman Developers Pvt.Ltd. .. Respondent.

Mr.B.M. Chatterjee with Mrs.P.P. Bhosale for the applicant.
Ms.Preeti Shah for the respondent.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 28th AUGUST, 2007.

P.C. :

1. There is a delay of 288 days in filing the appeal. There is affidavit in support of notice of motion explaining as to why appeal could not be filed in time. From the record, it is seen that the major delay occurred in the department of law.

2. The respondents have filed their reply opposing the condonation of delay. We have considered the facts of the case and also that the tax effect is more than Rs.29 lacs. Considering the facts and circumstances of the case, in our opinion in the peculiar facts of this case, the cause shown would amount to sufficient cause. Hence, delay condoned.

3. The notice of motion is made absolute in terms of prayer clause (a). Office to register the appeal.

(J.P. DEVADHAR, J.) (F.I. REBELLO, J.)